
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2668

State of Washington

60th Legislature

2008 Regular Session

By House Appropriations (originally sponsored by Representatives Morrell, Green, Cody, Hunt, McCoy, Wallace, Pedersen, Campbell, McIntire, Conway, Simpson, Kenney, and Darneille)

READ FIRST TIME 02/11/08.

1 AN ACT Relating to long-term care; amending RCW 74.41.040,
2 18.20.350, 74.41.050, 74.38.030, and 74.38.040; adding a new section to
3 chapter 43.70 RCW; adding a new section to chapter 74.39A RCW; adding
4 a new section to chapter 74.34 RCW; and creating new sections.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that Washingtonians
7 sixty-five years of age and older will nearly double in the next twenty
8 years, from eleven percent of our population today to almost twenty
9 percent of our population in 2025. Younger people with disabilities
10 will also require supportive long-term care services. Nationally,
11 young people with a disability account for thirty seven percent of the
12 total number of people who need long-term care.

13 The legislature further finds that to address this increasing need,
14 the long-term care system should support autonomy and self-
15 determination, and support the role of informal caregivers and
16 families. It should promote personal planning and savings combined
17 with public support, when needed. It should also include culturally
18 appropriate, high quality information, services, and supports delivered
19 in a cost-effective and efficient manner.

1 The legislature further finds that the long-term care system should
2 utilize evidence-based practices for the prevention and management of
3 chronic disease to improve the general health of Washingtonians over
4 their lifetime and reduce health care and long-term care costs related
5 to ineffective chronic care management.

6 **Sec. 2.** RCW 74.41.040 and 1987 c 409 s 3 are each amended to read
7 as follows:

8 The department shall administer this chapter and shall establish
9 such rules and standards as the department deems necessary in carrying
10 out this chapter. The department shall not require the development of
11 plans of care or discharge plans by nursing homes or adult family homes
12 providing respite care service under this chapter. Boarding homes
13 providing respite care services shall comply with the assessment and
14 plan of care provisions of RCW 18.20.350.

15 The department shall develop standards for the respite program in
16 conjunction with the selected area agencies on aging. The program
17 standards shall serve as the basis for soliciting bids, entering into
18 subcontracts, and developing sliding fee scales to be used in
19 determining the ability of eligible participants to participate in
20 paying for respite care.

21 **Sec. 3.** RCW 18.20.350 and 2004 c 142 s 7 are each amended to read
22 as follows:

23 (1) The boarding home licensee shall conduct a preadmission
24 assessment for each resident applicant. The preadmission assessment
25 shall include the following information, unless unavailable despite the
26 best efforts of the licensee:

- 27 (a) Medical history;
- 28 (b) Necessary and contraindicated medications;
- 29 (c) A licensed medical or health professional's diagnosis, unless
30 the individual objects for religious reasons;
- 31 (d) Significant known behaviors or symptoms that may cause concern
32 or require special care;
- 33 (e) Mental illness diagnosis, except where protected by
34 confidentiality laws;
- 35 (f) Level of personal care needs;
- 36 (g) Activities and service preferences; and

1 (h) Preferences regarding other issues important to the resident
2 applicant, such as food and daily routine.

3 (2) The boarding home licensee shall complete the preadmission
4 assessment before admission unless there is an emergency. If there is
5 an emergency admission, the preadmission assessment shall be completed
6 within five days of the date of admission. For purposes of this
7 section, "emergency" includes, but is not limited to: Evening,
8 weekend, or Friday afternoon admissions if the resident applicant would
9 otherwise need to remain in an unsafe setting or be without adequate
10 and safe housing.

11 (3) The boarding home licensee shall complete an initial resident
12 service plan upon move-in to identify the resident's immediate needs
13 and to provide direction to staff and caregivers relating to the
14 resident's immediate needs. The initial resident service plan shall
15 include as much information as can be obtained, under subsection (1) of
16 this section.

17 (4) When a facility provides respite care, before or at the time of
18 admission, the facility must obtain sufficient information to meet the
19 individual's anticipated needs. At a minimum, such information must
20 include:

21 (a) The name, address, and telephone number of the individual's
22 attending physician, and alternate physician if any;

23 (b) Medical and social history, which may be obtained from a
24 respite care assessment and service plan performed by a case manager
25 designated by an area agency on aging under contract with the
26 department, and mental and physical assessment data;

27 (c) Physician's orders for diet, medication, and routine care
28 consistent with the individual's status on admission;

29 (d) Ensure the individuals have assessments performed, where
30 needed, and where the assessment of the individual reveals symptoms of
31 tuberculosis, follow required tuberculosis testing requirements; and

32 (e) With the participation of the individual and, where
33 appropriate, their representative, develop a plan of care to maintain
34 or improve their health and functional status during their stay in the
35 facility.

36 **Sec. 4.** RCW 74.41.050 and 2000 c 207 s 4 are each amended to read
37 as follows:

1 The department shall contract with area agencies on aging or other
2 appropriate agencies to conduct family caregiver long-term care
3 information and support services to the extent of available funding.
4 The responsibilities of the agencies shall include but not be limited
5 to: (1) Administering a program of family caregiver long-term care
6 information and support services; (~~and~~) (2) negotiating rates of
7 payment, administering sliding-fee scales to enable eligible
8 participants to participate in paying for respite care, and arranging
9 for respite care information, training, and other support services; and
10 (3) developing an evidence-based tailored caregiver assessment and
11 referral tool. In evaluating the need for respite services,
12 consideration shall be given to the mental and physical ability of the
13 caregiver to perform necessary caregiver functions.

14 **Sec. 5.** RCW 74.38.030 and 1975-'76 2nd ex.s. c 131 s 3 are each
15 amended to read as follows:

16 (1) The program of community based services authorized under this
17 chapter shall be administered by the department. Such services may be
18 provided by the department or through purchase of service contracts,
19 vendor payments or direct client grants.

20 The department shall, under stipend or grant programs provided
21 under RCW 74.38.060, utilize, to the maximum staffing level possible,
22 eligible persons in its administration, supervision, and operation.

23 (2) The department shall be responsible for planning, coordination,
24 monitoring and evaluation of services provided under this chapter but
25 shall avoid duplication of services.

26 (3) The department may designate area agencies in cities of not
27 less than twenty thousand population or in regional areas within the
28 state. These agencies shall submit area plans, as required by the
29 department. For area plans prepared for submission in 2009, and
30 thereafter, the area agencies may include the findings and
31 recommendations of area-wide planning initiatives that they may
32 undertake with appropriate local and regional partners regarding the
33 changing age demographics of their area and the implications of this
34 demographic change for public policies and public services. They shall
35 also submit, in the manner prescribed by the department, such other
36 program or fiscal data as may be required.

1 (4) The department shall develop an annual state plan pursuant to
2 the Older Americans Act of 1965, as now or hereafter amended. This
3 plan shall include, but not be limited to:

4 (a) Area agencies' programs and services approved by the
5 department;

6 (b) Other programs and services authorized by the department; and

7 (c) Coordination of all programs and services.

8 (5) The department shall establish rules and regulations for the
9 determination of low income eligible persons. Such determination shall
10 be related to need based on the initial resources and subsequent income
11 of the person entering into a program or service. This determination
12 shall not prevent the eligible person from utilizing a program or
13 service provided by the department or area agency. However, if the
14 determination is that such eligible person is nonlow income, the
15 provision of RCW 74.38.050 shall be applied as of the date of such
16 determination.

17 **Sec. 6.** RCW 74.38.040 and 1983 c 290 s 14 are each amended to read
18 as follows:

19 The community based services for low-income eligible persons
20 provided by the department or the respective area agencies may include:

21 (1) Access services designed to provide identification of eligible
22 persons, assessment of individual needs, reference to the appropriate
23 service, and follow-up service where required. These services shall
24 include information and referral, outreach, transportation and
25 counseling. They shall also include long-term care planning and
26 options counseling, information and crisis intervention, and
27 streamlined assistance to access a wide array of public and private
28 community-based services. Services would be available to individuals,
29 concerned families or friends, or professionals working with issues
30 related to aging, disabilities, and caregivers;

31 (2) Day care offered on a regular, recurrent basis. General
32 nursing, rehabilitation, personal care, nutritional services, social
33 casework, mental health as provided pursuant to chapter 71.24 RCW
34 and/or limited transportation services may be made available within
35 this program;

36 (3) In-home care for persons, including basic health care;

1 performance of various household tasks and other necessary chores, or,
2 a combination of these services;

3 (4) Counseling on death for the terminally ill and care and
4 attendance at the time of death; except, that this is not to include
5 reimbursement for the use of life-sustaining mechanisms;

6 (5) Health services which will identify health needs and which are
7 designed to avoid institutionalization; assist in securing admission to
8 medical institutions or other health related facilities when required;
9 and, assist in obtaining health services from public or private
10 agencies or providers of health services. These services shall include
11 health screening and evaluation, in-home services, health education,
12 and such health appliances which will further the independence and
13 well-being of the person;

14 (6) The provision of low cost, nutritionally sound meals in central
15 locations or in the person's home in the instance of incapacity. Also,
16 supportive services may be provided in nutritional education, shopping
17 assistance, diet counseling and other services to sustain the
18 nutritional well-being of these persons;

19 (7) The provisions of services to maintain a person's home in a
20 state of adequate repair, insofar as is possible, for their safety and
21 comfort. These services shall be limited, but may include housing
22 counseling, minor repair and maintenance, and moving assistance when
23 such repair will not attain standards of health and safety, as
24 determined by the department;

25 (8) Civil legal services, as limited by RCW 2.50.100, for
26 counseling and representation in the areas of housing, consumer
27 protection, public entitlements, property, and related fields of law;

28 (9) Long-term care ombudsman programs for residents of all long-
29 term care facilities.

30 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.70 RCW
31 to read as follows:

32 Within funds appropriated for this purpose, the department shall
33 develop a statewide fall prevention program. The program shall include
34 networking community services, identifying service gaps, making
35 affordable senior-based, evaluated exercise programs more available,
36 providing consumer education to older adults, their adult children, and

1 the community at large, and conducting professional education on fall
2 risk identification and reduction.

3 NEW SECTION. **Sec. 8.** A new section is added to chapter 74.39A RCW
4 to read as follows:

5 Within funds appropriated for this purpose, the department shall
6 provide additional support for residents in community settings who
7 exhibit challenging behaviors that put them at risk for institutional
8 placement. The residents must be receiving services under the
9 community options program entry system waiver or the medically needy
10 residential facility waiver under section 1905(c) of the federal social
11 security act and must have been evaluated under the individual
12 comprehensive assessment reporting and evaluation process.

13 NEW SECTION. **Sec. 9.** A new section is added to chapter 74.34 RCW
14 to read as follows:

15 (1) The department may conduct a vulnerable adult fatality review
16 in the event of a death of a vulnerable adult when the department has
17 reason to believe that the death of the vulnerable adult may be related
18 to the abuse, abandonment, exploitation, or neglect of the vulnerable
19 adult, or may be related to the vulnerable adult's self-neglect, and
20 the vulnerable adult was:

21 (a) Receiving home and community-based services in his or her own
22 home, described under chapters 74.39 and 74.39A RCW, within sixty days
23 preceding his or her death; or

24 (b) Living in his or her own home and was the subject of a report
25 under this chapter received by the department within twelve months
26 preceding his or her death.

27 (2) When conducting a vulnerable adult fatality review of a person
28 who had been receiving hospice care services before the person's death,
29 the review shall provide particular consideration to the similarities
30 between the signs and symptoms of abuse and those of many patients
31 receiving hospice care services.

32 (3) All files, reports, records, communications, and working papers
33 used or developed for purposes of a fatality review are confidential
34 and not subject to disclosure pursuant to RCW 74.34.095.

35 (4) The department may adopt rules to implement this section.

1 NEW SECTION. **Sec. 10.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 11.** If specific funding for the purposes of
6 sections 4, 6, 7, and 8 of this act, referencing the section by section
7 number and by bill or chapter number, is not provided by June 30, 2008,
8 in the omnibus appropriations act, each section not referenced is null
9 and void.

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